

In the  
Indiana Supreme Court



IN THE MATTER OF THE )

APPROVAL OF LOCAL RULES )

FOR FLOYD COUNTY )

Case No. 22S00-1207 -MS- 392

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Floyd Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

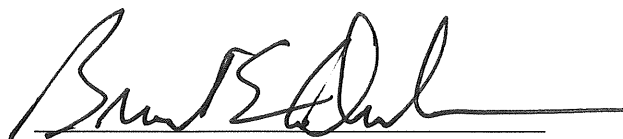
Upon examination of the proposed rule amendments requested by the Floyd Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR22-TR00-117 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR22-TR00-117 for Floyd County Courts, set forth as an attachment to this Order, is approved effective retroactive to January 1, 2012. The Clerk of this Court is directed to forward a copy of this Order to the Hon. J. Terrence Cody, Floyd Circuit Court, 311 West First Street, #417, New Albany, IN 47150-5856; the Hon. Maria Granger, Floyd Superior Court, 311 West First Street, New Albany, IN 47150; the Hon. Glenn G. Hancock, Floyd Superior Court 2, 311 West First Street, #425, New Albany, IN 47150-5856; the Hon. Susan Lynn Orth, Floyd Superior Court 1, 311 West First Street, #200, New Albany, IN 47150-5856; to the Clerk of the Floyd Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Floyd Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 12<sup>th</sup> day of July, 2012.

A handwritten signature in black ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson  
Chief Justice of Indiana

**ASSIGNMENT OF CASES TO EQUALIZE WORKLOAD BETWEEN  
COURTS**

**(EFFECTIVE JANUARY 1, 2012)**

**A. Assignment.** The judges of the Circuit and Superior Courts shall meet on or before October 15 of each year to assign cases to review the Caseload Allocation Plan. Different numbers of cases may be assigned to each court based on the caseload statistics received each year from State Court Administration.

**B. Transfer.** Transfer between the Floyd Circuit Court and the Floyd Superior Courts shall be accomplished pursuant to IC 33-29-1-9 & 10, which allows the judges to transfer cases between courts with mutual consent and to sit on any case in either court with mutual consent.

**C. Criminal Cases.**

(1) All Murder cases shall be divided equally between the Circuit, Superior #1 and Superior #3 Courts. All Class A, Class B, Class C, Class D Felony and Domestic Battery cases (Misdemeanor and Felony) shall be filed as follows (except as otherwise designated below):

- (a) Class A Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in the Superior Court #1 and 25% shall be filed in the Superior Court #3.
- (b) Class B Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in Superior Court #1, and 25% shall be filed in the Superior Court #3.
- (c) Class C Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in the Superior Court #1, and 25% shall be filed in the Superior Court #3.
- (d) Class D Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in the Superior Court #1, and 25% shall be filed in the Superior Court #3.
- (e) Domestic Battery Cases (Misdemeanor and Felony): 25% shall be filed in the Circuit Court, 50% shall be filed in Superior Court #1, and 25% shall be filed in the Superior Court #3.

(f)

(2) All Traffic Infractions and Ordinance Violations shall be filed in the Superior Court #2.

(3) All Motor Vehicle Code, Traffic Misdemeanor and Class D Felony Traffic cases shall be filed in Superior Court #2.

(4) All other Misdemeanor offenses, excepting Domestic Violence cases shall be filed in the Superior Court #2 unless the Defendant has a pending case, or is presently on probation, or has a case under advisement, or a case which has been diverted, in the Circuit Court, Superior Court #1, or Superior Court #3. In the event of such occurrence, the new charge shall be filed in the respective Court where the Defendant is on probation or the other case is pending, under advisement or diverted.

**D. Civil Cases.**

- (1) Except as provided by statute, Civil Tort, Civil Plenary, Mortgage Foreclosure, and Miscellaneous cases may be filed on an open basis in the Circuit Court, Superior Court #1, Superior Court #2, or Superior Court #3.
- (2) Civil Collection cases \$2,500 and over shall be filed as follows:
  - (a) 50% in Superior Court #1.
  - (b) 50% in Superior Court #3.
- (3) Civil Collections cases under \$2,500 shall be filed in Superior Court #2.

**E. Protection Order.** All Protection Orders shall be filed in Superior Court #3 (See Local Rule LR22-FR00-314 regarding transfer of Protection Order cases).

**F. Domestic Relations Cases.** All Pro Se Divorces shall be filed in the Superior Court #3. All Pro Se Divorces shall be filed in the Superior Court #3. All non-pro se divorces may be filed on an open base in the Circuit Court, Superior Court #1, or Superior Court #3.

**G. Small Claims.** All Small Claims cases shall be filed in Superior Court #2

**H. Mental Health.** Mental Health cases may be filed in any of the Floyd County Courts.

**I. Juvenile.** All JP, JC, JT and JM (CHINS) cases shall be filed in the Circuit Court subject to LR22-TR-00-17(B). All JD, JS, and JM (delinquent) cases shall be filed in Circuit Court subject to LR22-TR00-17 (B).

**J. Guardianships and Estates.** All Adoptions, Guardianship, Trust and Estate (supervised and unsupervised) cases shall be filed in the Circuit Court.

**K. Adult Program Solving Court Program(s).**

- (1) Floyd County Problem Solving Court Program(s) shall be established pursuant to IC 33-23-16-11 and in accordance with Floyd County Local Rules to provide specialized services, including; clinical assessment, education, referral for treatment, and service coordination and case management for eligible defendants and probationers, as determined by its written policy and procedures.
- (2) Those persons directed to participate in a Floyd County Problem Solving Court Program shall pay the following fees in accordance with IC 33-23-16-23
  - (a) The program fee, not to exceed one hundred (\$100.00) dollars, per admission for initial problem solving court services regardless of the length of participation;
  - (b) The court service fee, not to exceed fifty (\$50.00) dollars per month beginning in the second month of participation and for each month of participation thereafter for the duration of individual's participation; and
  - (c) The transfer fee, not to exceed twenty-five (\$25.00) dollars, transfer to the problem solving court.
  - (d) Any additional costs associated with recommended treatment.
- (3) The clerk of the court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.

- (4) The day-to-day operation and management of the Floyd County Veterans Treatment Court shall be assigned to Floyd Superior Court 3.
- (5) All criminal charges shall be filed as provided for in this rule. However, after a charge has been filed, a judge may refer the defendant to a Problem Solving Court, and if accepted by the Problem Solving Court the Judge may transfer the defendant's case to the Problem Solving Court for admission and disposition in accordance with IC 33-23-16-13, 14 or 15 and the Problem Solving Court policies and procedures.
- (6) A Problem Solving Court may initiate and/or accept transfers of individual from another court.

**L. Allocation of user of Magistrate for Purposes of Weighted Caseload Utilization.**

Circuit Court and Superior Court #2 shall each be allocated two (2) days per week for use of the Magistrate. Superior Court #1 and Superior Court #3 shall each be allocated one-half (1/2) day per week for use of the Magistrate. When reporting quarterly and annual statistics to State Court Administration, it shall be the duty of the Court Reporter of each Court to include the above allocation of the Magistrate's time in calculating judicial resources available to that Court.